

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ANGELA RUSSELL, as Administratrix
of the Estate of Jeremy T. Russell, and
on Behalf of the Wrongful Death
Beneficiaries of Jeremy T. Russell**

PLAINTIFF

v.

CIVIL ACTION NO. 3:22-CV-294-HTW-LGI

**MANAGEMENT & TRAINING CORPORATION;
JOHN AND JANE DOE CORRECTIONAL OFFICERS;
VITALCORE HEALTH STRATEGIES, LLC; EVELYN
DUNN; STACEY KITCHES; WILLIAM BRAZIER; and
JOHN AND JANE DOE MEDICAL PROVIDERS**

DEFENDANTS

**MANAGEMENT & TRAINING CORPORATION’S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW Management & Training Corporation (MTC), Michael McClinton, Marcus Robinson, and Jacob Vigliante, by and through counsel, and submits its Motion for Summary Judgment (the Motion) under Federal Rule of Civil Procedure 56 as to all of Plaintiff’s claims in her Complaint. In support thereof, MTC would show unto the Court the following:

1. According to Federal Rule of Civil Procedure 56(a), “the court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Summary judgment is appropriate in this case because Plaintiff fails “to make a sufficient showing to establish the existence of an element essential to that party’s case and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).

2. For the reasons detailed in MTC’s Memorandum in Support of its Motion filed contemporaneously herein, Plaintiff’s claims cannot survive summary judgment, and dismissal is proper.

3. MTC relies on and incorporates the following exhibits in support of its Motion:

- Exhibit 1: Excerpts from Deposition of Defendant Evelyn Dunn
- Exhibit 2: Defendant's Expert Report
- Exhibit 3: Excerpts from Deposition of Anthony Gibson
- Exhibit 4: MTC's Day Shift Rosters (Sept. 28, 2021 – Oct. 7, 2021)
- Exhibit 5: Second Amended Complaint
- Exhibit 6: Affidavit of EMCF Warden Donald Jackson
- Exhibit 7: Unsigned Affidavit of Karei McDonald
- Exhibit 8: Residential Services Agreement Between Mississippi Department of Corrections [MDOC] and East Mississippi Correctional Facility Authority [EMCF Authority]
- Exhibit 9: Management and Operations Agreement Between EMCF Authority and MTC
- Exhibit 10: Records Affidavit of Cindy Freeman and MDOC and VitalCore Health Strategies, LLC Contract
- Exhibit 11: Excerpts from Rule 30(b)(6) Deposition of Defendant MTC
- Exhibit 12: Excerpts from Deposition of Defendant Jacob Vigliante
- Exhibit 13: Excerpts from Deposition of Roxie Wallace
- Exhibit 14: Excerpts from Deposition of Major Michael McClinton
- Exhibit 15: Sept. 29, 2021 MDOC Lab Report
- Exhibit 16: Oct. 27, 2021 Toxicology Report
- Exhibit 17: Excerpts from Deposition of Angela Russell
- Exhibit 18: Plaintiff's Responses to First Set of Requests for Admissions
- Exhibit 19: Excerpts from Deposition of Dr. Mark Webb
- Exhibit 20: EMCF Facility Policies and Procedures

Exhibit 21 EMCF Post Orders

Exhibit 22 Photograph of Camp Support

Exhibit 23 Excerpts from Deposition of Dr. Patrick Arnold

WHEREFORE, PREMISES CONSIDERED, Defendant Management & Training Corporation respectfully requests that this Court enter an order granting summary judgment in its favor on all of Plaintiff's claims and Complaint, dismissing this case with prejudice. Defendant also seeks any and all other and further relief as the Court deems appropriate.

Respectfully submitted, this the 11th day of August, 2023.

**MANAGEMENT & TRAINING
CORPORATION**

By: /s/ Mary Clark Joyner
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CERTIFICATE OF SERVICE

I do hereby certify that I have, this day, filed the foregoing with the Clerk of Court using the ECF filing system, which has caused a true and correct copy to be served by electronic mail on all counsel of record.

Dated: August 11, 2023.

/s/ Mary Clark Joyner